Remarks:

Claims 36-70 are pending and at issue in the present application, wherein the present amendment amends claim 36.

Applicant thanks Examiner Johnson for the indication of allowable subject matter in claims 59-62. However, for the reasons discussed hereinafter, it is Applicant's position that claim 36, as amended, and claims 37-70 dependent thereon are allowable over the applied references.

Specifically, Applicant respectfully traverses the rejections of claims 36-42, 47, and 64-70 as anticipated by Steen et al. U.S. Patent No. 5,447,517 ("Steen") and the rejections of claims 43-46, 48-58, and 63 as obvious over combinations of Steen, Strubel U.S. Patent No. 5,657,550 ("Strubel"), and Mastel et al. U.S. Patent No. 4,662,075 ("Mastel").

More particularly, the applied references do not disclose a cutting adjustment system, as recited by claims 36-70, that includes a metal cutting tool.

Rather, Steen is concerned exclusively with an apparatus and method for calibrating a surgical knife blade, i.e., a flesh or biological matter cutting tool. There is nothing in Steen that discloses or suggests a system for calibrating or setting the position of a metal cutting tool.

In order for a claim to be anticipated, a single prior art reference must show all of the recited limitations arranged or combined in the same way as recited in the claim. *Net Money, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008); see also MPEP § 2131. Consequently, Applicants respectfully requests reconsideration and withdrawal of the anticipation rejection of claims 36-42, 47, and 64-70 over Steen.

Further, without the use of impermissible hindsight, one of ordinary skill in the art would not consider the system for calibrating and setting surgical knives, as disclosed in Steen, to develop a system for calibrating metal cutting tools. There is simply no disclosure in Steen that would suggest to a person of ordinary skill that the system of Steen would be useful for anything other than calibrating and setting surgical knives.

Struble does not cure the deficiencies of Steen. More particularly, Struble is directed to a hand-held gap and contour measuring gauge and does not contemplate a system for calibrating or setting a metal cutting tool. Accordingly, any combination of Steen and Struble would not result in the development of an adjustment system for metal cutting tools. Rather, the only obvious

developments from a combination of Steen and Struble would include either an alternative calibration system for surgical knives to that of Steen or an alterative device for measuring gaps and contours to that of Struble.

Likewise, Mastel does not cure the deficiencies of Steen and Struble. Rather, Mastel discloses an apparatus for setting knife blade depth for use with microsurgical knives and teaches nothing in relation to metal cutting tools. Accordingly, any combination of Steen and Mastel would not result in the development of an adjustment system for metal cutting tools. Rather, the only obvious outcome of combining Steen and Mastel would be a system for the adjustment of surgical knives.

Consequently, without the use of impermissible hindsight, one of ordinary skill in the art would not combine the applied references to arrive at a cutting adjustment system including a metal cutting tool, as recited by the claims at issue.

For the reasons set forth above, Applicant submits that claims 36-70 are allowable over the applied references and respectfully and earnestly solicits early indication of same.

If the examiner finds that there are any outstanding issues that may be resolved by a telephone interview, the examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,

By _____
    Cato Yang
    Reg. No. 57,310

Dated: August 18, 2010
LEVENFELD PEARLSTEIN, LLC
Two North LaSalle Street, Suite 1300
Chicago, Illinois 60602
(312) 476-7593 Telephone
(312) 346-8434 Facsimile